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| 09/592,596 | 06/12/2000 | Richard Humpleman | SAM1.0067 | 7063 |
| 23386 7590 05/20/2008 MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD. SUITE 1150 IRVINE, CA 92612 | | | | |
| EXAMINER | | | | |
| TRAN, MYLINH T | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/592,596

Applicant(s)

HUMPLEMAN ET AL.

Examiner

MYLINH TRAN

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's Amendment filed 02/06/08 has been entered and carefully considered. Claims 5, 15 and 22 have been amended. However, the limitations of the amended claims have not been found to be patentable over the prior art of record, therefore, claims 1-27 are rejected under a similar ground of rejection as set forth in the Office Action mailed 10/09/07.

Terminal Disclaimer

The examiner notes Applicant's submission of Terminal Disclaimer filed 06/10/2005 to overcome provisional obviousness-type double patenting rejection. However, the examiner maintains the current double patenting rejection at the present time, pending an official decision by the Office Paralegal regarding acceptance of said disclaimer.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 91 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thonngton*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 6, 7, 9, 10, 11, 16, 17, 19, 20, 21, 23, 24, 26 and 27 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, and 11-13 of copending Application No. 09/592598 in view of Saito et al ("Saito", US 6,523,696).

This is a provisional obviousness-type double patenting rejection.

As per claim 1, 11 and 21, claim 1 of 09/592598 claims the same subject matter as claims 1, 11 and 21 of 09/592596 except that first devices, capable of displaying a user interface, are connected to a first network and second devices are connected to a second network. Claim 1 of 09/592598 only discloses all the devices are connected to one single network. However, Saito teaches obtaining information from said first devices currently connected to the first network (1"and 2"d *Home Network* 203 of fig. 7), and obtaining information from the interface device (PC 210 of fig. 7) about the second devices connected to the second network (*Home Automation Network* 212 of fig. 7; col. 21, lines 50-60). It would have been obvious to one of ordinary skill in the art at the time of the

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invention to use the teaching from Saito of having first display capable devices and second devices connected to the first and second network, respectively, in claim 1 of 09/592598 since it would have allowed devices to be controlled over different networks.

As per claims 6, 16 and 23, claim 6 of 09/592598 claims the same subject matter as claims 6, 16 and 23 of 09/592596.

As per claims 7, 1,7 and 24, claim 12 of 09/592598 claims the same subject matter as claims 7, 17 and 24 of 09/592596.

As per claims 9, 19 and 26, claim 11 of 09/592598 claims the same subject matter as claims 9, 19 and 26 of 09/592596.

As per claims 10, 20 and 27, claim 13 of 09/592598 claims the same subject matter as claims 10, 20 and 27 of 09/592596.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is

advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang [US. 6,133,847] in view of Saito et al. [US 6, 523, 696].

As per independent claim 1, Yang teaches obtaining information from first devices currently connected to the network (column 3, lines 6-24); Yang teaches generating a user interface description in one or more of said first devices based on at least on the obtained information (column 5, lines 25-46), the user interface description in each first device including: at least one graphical and/or textual reference of said first devices that are currently connected to the network (column 5, lines 58-67); and displaying a top level user interface based on the user interface description on a device connected to the network capable of displaying user interfaces (column 5, lines 47-67); displaying a control user interface on a device connected to the network capable of displaying user interfaces (column 5, lines 32-46) for user control one or more of said first and second devices by: using a reference in a user

interface description, the reference corresponding to first device, to perform the steps of:

generating the control user interface including device data corresponding to said corresponding device using the accessed information stored in said corresponding device (column 6, lines 26-35); and displaying the control user interface for user control of said corresponding device (column 6, lines 20-50). Yang fails to clearly teach a computer implemented method and corresponding system for providing user interfaces in a first network including first devices interconnected via a communication medium and at least one interface device connecting said first network to at least a second network having interconnected second devices, the user interfaces for controlling the devices that are currently connected to the first network and devices that are currently connected to the second network. However, Saito teaches a computer implemented method and corresponding system for providing user interfaces in a first network including first devices interconnected via a communication medium (column 18, lines 56-65) and at least one interface device connecting said first network to at least a second network having interconnected second devices (column 18, line 66 through column 19, line 5), the user interfaces for controlling the devices that are currently connected to the first network and devices that are currently connected to the second network. Saito also teaches generating the control user interface including device data corresponding to

said corresponding device using the accessed information stored in said corresponding device (column 35, line 45 through column 36, line 54).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Saito's teaching of the first and second networks with Yang's teaching of generating the GUI. Motivation of the combination would have been to dynamically obtain information from the network devices.

As per claim 2, which is dependent on claim 1, Yang teaches said interface device including information about the second devices (column 5, lines 48-65, "TV" device).

As per claim 3, which is dependent on claim 1, Saito teaches the first network comprises a 1394 bus (1st and 2nd *Home Network* of fig. 7), and the second network comprises a non-1394 bus (*Home Automation Network* of fig. 7). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Saito's teaching of the first and second networks with Yang's teaching of generating the GUI. Motivation of the combination would have been to dynamically obtain information from the network devices.

As per claim 4, which is dependent on claim 3, Saito teaches the interface device includes an address extension table for the second devices, and wherein step of obtaining information from the interface device further includes the steps of using the address extension table to access said second devices (col. 24,

lines 41-67 through col. 25, lines 1-3). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Saito's teaching of the first and second networks with Yang's teaching of generating the GUI. Motivation of the combination would have been to dynamically obtain information from the network devices.

As per claim 5, which is dependent on claim 1, Yang teaches obtaining information from said first devices comprising obtaining a first set of information from one of said first devices (column 3, lines 6-24), and using said reference to communicate over the first network and/or the second network to access the associated information stored in said corresponding device comprises accessing a second set of information stored in the corresponding device, the first set of information being a subset of the second set of information (column 4, lines 58-67). Saito also teaches generating the control user interface including device data corresponding to said corresponding device using the accessed information stored in said corresponding device (column 35, line 45 through column 36, line 54).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Saito's teaching of the first and second networks with Yang's teaching of generating the GUI. Motivation of the combination would have been to dynamically obtain information from the network devices.

As per claim 6, which is dependent on claim 1, Yang teaches displaying one or more top level user interfaces each based on a user interface description, on one or more devices connected to the first network capable of displaying a user interface, for user control of said first and second devices (column 5, lines 46-67).

As per claim 7, which is dependent on claim 6, Yang teaches the step of displaying each user interface further includes the steps of:
using each reference in the corresponding user interface description to access the associated information in each device (column 5, lines 20-46); generating the top level user interface including device data corresponding to each device using the accessed information in each device (column 5, lines 46-67); and displaying the top level user interface on said device capable of displaying a user interface (column 6, lines 7-47).

As per claim 8, which is dependent on claim 1, while Yang teaches the step of generating a user interface description.

Saito teaches associating a hyper-text link with the device information of one or more of said first and second devices (column 26, lines 40-65). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Saito's teaching of the first and second networks with Yang's teaching of generating the GUI. Motivation of the combination would have been to dynamically obtain information from the network devices.

As per claims 9 and 10, which are dependent on claims 1 and 9 respectively, Yang teaches the information in each device includes a user control interface description for user interaction with the device and the step of generating a user interface description further includes the steps of generating each user interface description such that each reference in that user interface description is to at least the user control interface description in each corresponding device (column 4, lines 15-65). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Saito's teaching of the first and second networks with Yang's teaching of generating the GUI. Motivation of the combination would have been to dynamically obtain information from the network devices.

As per independent claims 11 and 21, they are similar in scope to claim 1; therefore, they should be rejected under similar rationale.

As per claim 12, which is dependent on claim 11, it is a similar scope to claim 2; therefore, it should be rejected under similar rationale.

As per claims 13 and 22, which are dependent on claims 11 and 21 respectively, they are similar in scope to claim 3; therefore, they should be rejected under similar rationale.

As per claim 14, which is dependent on claim 13, it is a similar scope to claim 4; therefore, it should be rejected under similar rationale.

As per claim 15, which is dependent on claim 11, it is a similar scope to claim 5; therefore, it should be rejected under similar rationale.

As per claims 16 and 23, which are dependent on claims 11 and 21 respectively, they are similar in scope to claim 6; therefore, they should be rejected under similar rationale.

As per claims 17 and 24, which are dependent on claims 16 and 23 respectively, they are similar in scope to claim 7; therefore, they should be rejected under similar rationale.

As per claims 18 and 25, which are dependent on claims 11 and 21, they are similar in scope to claim 8; therefore, they should be rejected under similar rationale.

As per claims 19 and 26, which are dependent on claims 11 and 21 respectively, they are similar in scope to claim 9; therefore, they should be rejected under similar rationale.

As per claims 20 and 27, which are dependent on claims 19 and 26 respectively, they are similar in scope to claim 10; therefore, they should be rejected under similar rationale.

Response to Arguments

Applicant has argued that Yang does not teach obtaining information from the device. Yang only teaches downloading of information to the memory that is not the same as the claimed "obtaining information". However, the examiner respectfully disagrees with the above argument. Downloading information from the devices is the same as the claimed Obtaining information from the devices.

Both steps achieve the same result of getting information from the devices.

Then the information from the devices is used to generate the graphical user interface.

Applicant has also argued that Yang does not teach "accessing the associated information stored in the corresponding device. However, the applicant's attention is directed to the cited portion as disclosed at column 4, lines 62-67 "Therefore, if the user presses button 146A, the remote control device will send a function control signal to VCR 200 over data link 150 to operate the "play" function for the VCR" and column 6, lines 25-35 "As shown, icon 147A controls the "play" function, 147B the "rewind" function, 147C the "stop" function, and 147D the "fast forward" function. The function control icons are presented on a touch screen such that by touching a particular icon, the user can send a function control signal to the VCR to control the particular function represented by the icon..." The remote control device will send a function control signal to VCR 200 to access the information of the VCR 200. The step of sending the function control signal to the VCR is for the purpose of accessing the associated information stored in the VCR device. Thus, it is clear that Yang teaches "access the associated information stored in said corresponding device".

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either **Private PAIR** or **Public PAIR**. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179